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POSTAL RATE COMMISSION  
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PRESIDING OFFICER'S  
RULING NO. MC99-2/2

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

Classification and Fees for Weight-Averaged  
Nonletter-size Business Reply Mail

Docket No. MC99-2

RULING ON PROTECTIVE CONDITIONS  
GOVERNING ACCESS TO SCHENK WORKPAPERS

(April 14, 1999)

This ruling reviews and finalizes matters relating to protective conditions for Postal Service witness Schenk's workpaper 1 in this docket and a similar Schenk workpaper filed in Docket No. MC97-1. The Postal Service had filed workpaper 1 *in camera* with the Commission when it filed its Docket No. MC99-2 request, along with a motion asking that access be conditioned on terms similar to, or the same as, those that governed access to Schenk's workpaper in Docket No. MC97-1. March 10, 1999 Motion of the United States Postal Service [in Docket No. MC99-2] Requesting Protective Conditions for Workpaper 1 of Witness Leslie Schenk. Order No. 1233 (issued March 16, 1999) directed participants to respond to the Service's motion by April 5, 1999.

A preliminary ruling has been issued granting a motion of the Office of the Consumer Advocate (OCA) for expedited access to Postal Service witness Schenk's workpaper 1 in this docket. P.O. Ruling MC99-1/1 and MC99-2/1 (March 29, 1999). (The OCA's motion was combined with a response supporting the merits of the Service's motion seeking protective conditions.) The specific provisions governing access (consisting of a statement of compliance and a certification) were set out in an

appendix. They generally parallel the terms and approach taken under similar circumstances in the predecessor docket (No. MC97-1), as set forth in P.O. Ruling MC97-1/1, Appendix C (issued January 24, 1997). See March 26, 1999 OCA Motion to Obtain Expedited Access to Schenk Workpaper 1 and Response to [Postal Service] Motion for Protective Conditions.

A recent bench ruling has also been issued granting the OCA's verbal motion (at the prehearing conference) for access to witness Schenk's workpaper in Docket No. MC97-1. Docket No. MC99-1, Tr. 1 at 21-22.

In addition to the OCA, District Photo Inc., York Photo Labs, Mystic Color Lab and Seattle Filmworks, Inc. ("DYMS") support the Service's request for protective conditions. April 5, 1999 DYMS Comments in Support of the Postal Service's Motion Requesting Protective Conditions for Workpaper 1 of Leslie Schenk.

Given participants' agreement with the Service's position and their familiarity with the approach used under similar circumstances in Docket No. MC97-1, this ruling extends the provisions set out in the appendix to P.O. Ruling MC99-1/1 and MC99-2/1 to all participants seeking access to witness Schenk's workpaper. (That appendix is not reproduced here.) As the Service has now filed an electronic version of Schenk's workpaper, access to the electronic version is also conditioned on the referenced terms and conditions. See April 8, 1999 Notice of the United States Postal Service Concerning the Filing of an Electronic Version of Workpaper 1 of Witness Leslie Schenk. This ruling also extends the terms and conditions adopted in P.O. Ruling No. MC99-1/1 and MC99-2/1 to any participant seeking access to witness Schenk's workpaper in Docket No. MC97-1.

Finally, the appendix refers to Nashua, but not to York. (York). At the prehearing conference, counsel for DYMS clarified that York was known as Nashua Corporation in prior dockets. To the extent this may require references in the appendix to be revised or supplemented, this ruling hereby deems those changes made, as applicable, without

the need for additional motion practice. A note to this effect will be placed in the *in camera* file.

### RULING

1. The Postal Service's motion regarding access to witness Schenk's workpaper (referenced in the body of this ruling) is granted on the same terms as indicated in P.O. Ruling No. MC99-1/1 and MC99-2/1.
2. Access to witness Schenk's workpaper in Docket No. MC97-1 is granted on the same terms as indicated in paragraph 1.
3. To the extent warranted, the protections conferred in this ruling (and those referenced herein) are deemed to extend to York Photo Labs.

A handwritten signature in black ink, appearing to read "George Omas", with a stylized flourish at the end.

George A. Omas  
Presiding Officer